

Copies of the regulations and their economic impact statement may be obtained by contacting the Department of Agriculture, Ronda M. Hutton, 1320 Research Park Dr., Manhattan, KS 66502, phone 785-564-6715 or by accessing the department's website at <http://agriculture.ks.gov>. Comments may also be made through our website under the proposed regulation.

Jackie McClaskey  
Secretary

Doc. No. 046722

## State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Public Health, Bureau of Community Health Systems, will conduct a public hearing at 10:00 a.m. Wednesday, January 16, 2019, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, Kansas, to consider the adoption of proposed amended regulations K.A.R. 28-35-146a and 28-35-147a regarding radiation control fees.

A summary of the proposed regulations and the estimated economic impact follows:

#### Summary of Regulations:

**K.A.R. 28-35-146a. Determination of hourly rate and full cost; fee payments.** The hourly rate charged for any service or activity that does not have an established fee specified in K.A.R. 28-35-147a will rise from \$55.00 to \$79.00.

**K.A.R. 28-35-147a. Schedule of fees.** Annual fees for radioactive materials licensing and x-ray registration will rise slightly for all categories to be equal to the maximum allowed by Kansas statute, while remaining lower than the corresponding fees charged by the U.S. Nuclear Regulatory Commission and other nearby states. The regulation also provides that, as specified by Kansas statute, an additional fee of 50 percent is charged for licenses with noncontiguous sites.

#### Economic Impact:

**Cost to the agency:** There is no added cost to the agency associated with the amendments to these regulations.

**Cost to the public and regulated community:** The increase is estimated to be approximately \$111,000 for all radioactive materials licensees and \$303,235 for all x-ray registrations. The fees charged by the Radiation Control Program are reasonable and comparable to fees charged to maintain radiation control programs in other states and are significantly less than fees charged by the U.S. Nuclear Regulatory Commission. These fees may be passed on to consumers.

**Cost to other governmental agencies or units:** There are two state universities and two state agencies that will have increased costs for their radioactive materials license. Also, eight city governments that possess a radioactive materials license for portable gauges for civil construction will see a small increase in their license fee.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5:00 p.m. on the day of the hearing to Kimberly Steves, Kansas Department of Health and Environment, Bureau of Community Health Systems, Radiation Control Program, 1000 SW Jackson, Suite 330, Topeka, KS 66612-1365, by email to [Kim.Steves@ks.gov](mailto:Kim.Steves@ks.gov), or by fax to 785-559-4251. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding economic impact statement may be obtained from the Radiation Control Program website, at <http://www.kdheks.gov/radiation/radpubnotice.html> or by contacting Kimberly Steves at [Kim.Steves@ks.gov](mailto:Kim.Steves@ks.gov), phone 785-296-1560, or fax 785-559-4251. Questions pertaining to the proposed regulations should be directed to Kimberly Steves at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Kimberly Steves.

Jeff Andersen  
Secretary

Doc. No. 046710

## State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulation

#### Article 4.—MATERNAL AND CHILD HEALTH

**28-4-95. Fee for fingerprint-based background checks.** Each applicant, applicant with a temporary permit, and licensee shall submit a nonrefundable fee of \$48 to the department for the cost of each required fingerprint-based background check, as follows:

(a) For each day care home, group day care home, child care center, and preschool, each individual specified in K.A.R. 28-4-125;

(b) for each school-age program, each individual specified in K.A.R. 28-4-584; and

(c) for each drop-in program, each individual specified in K.A.R. 28-4-705. (Authorized by and implementing K.S.A. 65-516; effective Nov. 26, 2018.)

Jeff Andersen  
Secretary

Doc. No. 046711